



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Residential Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/20/1805

Re: Property at 138 Crookston Avenue, Glasgow, G52 3PR (“the Property”)

Parties:

Mrs Sonia Tahir, 14 Long Kiln Road, Nuneaton, CV10 9FW (“the Applicant”)

Lucy McWilliams, Mr David Gildea, 138 Crookston Avenue, Glasgow, G52 3PR; 138 Crookston Avenue, Glasgow, G52 3PR (“the Respondents”)

Tribunal Members:

George Clark (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted a request by the Applicant to withdraw the application.

Background

1. By application, received by the Tribunal on 26 August 2020, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Residential Tenancies) (Scotland) Act 2016 (“the Act”). The Ground relied upon was Ground 12 of Schedule 3 to the Act, namely that the rent has been in arrears for three or more consecutive months.
2. The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 1 June 2019 at a rent of £800, a Rent Statement showing arrears at September 2020 of £5,300, with continuous arrears from February 2020, and a copy of a Notice to Leave dated 20 August 2020.
3. A Case Management Discussion was held on 5 January 2021, at which the Respondent Mr Gildea said that he was now in a position to resume payment of the monthly rent at the end of January and in addition to pay £400 towards the arrears. The Applicant was prepared to accept that offer and the Case was adjourned to allow the Respondents time to make that payment together with the first payment towards arrears.

Case Management Discussion

4. The adjourned Case Management Discussion was held by means of a telephone conference call on the afternoon of 10 February 2021. The Applicant and the Respondent Mr Gildea participated in the conference call.
5. The Applicant told the Tribunal that the payment promised at the end of January had been received. The Respondent confirmed that it was his intention to continue supplementing the monthly rent payment by £400 to reduce the arrears.
6. The Applicant stated that, in the light of the statement made by the Respondent, it was her wish to withdraw the application. She understood that, should the arrangement break down at some future date, she would have to start the application process anew.

Reasons for Decision

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal decided to grant the request of the Applicant to withdraw the application.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Legal Member/Chair

10 February 2021
Date